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~~LEGISLATIVE COUNCIL~~

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HEARING BEFORE THE SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS OF THE COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES NINETY-FOURTH CONGRESS

FIRST SESSION

ON

H.R. 1244

TO ESTABLISH PROCEDURES AND REGULATIONS FOR
CERTAIN PROTECTIVE SERVICES PROVIDED BY THE U.S.
SECRET SERVICE.

FEBRUARY 6, 1975

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PROTECTIVE SERVICES PROVIDED BY U.S. SECRET SERVICE

THURSDAY, FEBRUARY 6, 1975

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ADMINISTRATIVE LAW
AND GOVERNMENTAL RELATIONS
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:15 a.m., in room 2237 Rayburn House Office Building, Hon. Walter Flowers [chairman of the subcommittee] presiding.

Present: Representatives Flowers, Danielson, Jordan, Mazzoli, Pattison, and Moorhead.

Also present: William P. Shattuck, counsel, and Alan F. Coffey, Jr., associate counsel.

Mr. FLOWERS. We can begin now, and will call as the first witness Mr. Keller, of the General Accounting Office, and your assistants may also take places at the witness table, Mr. Keller.

I have a statement submitted by our colleague, Jack Brooks, who is the principal sponsor of the bill, H.R. 1244, which I will, without objection, have placed in the record at this point along with a copy of the bill.

[The prepared statement of Hon. Jack Brooks follows:]

**STATEMENT OF HON. JACK BROOKS, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF TEXAS**

Mr. Chairman, I appreciate this opportunity to present this statement in support of H.R. 1244, a bill to establish procedures and regulations for certain protective services provided by the United States Secret Service.

An investigation during the 93d Congress by the Government Activities Subcommittee of the Government Operations Committee revealed that more than \$17 million had been spent on and in support of private properties owned and utilized by former President Nixon at San Clemente, Calif.; Key Biscayne, Fla.; and at the home of a friend in the Bahama Islands. These funds were spent for improvements, maintenance, administrative support, communications facilities, and personnel. Not all of the funds were spent for improvements on the privately-owned presidential properties, but none of the funds would have been spent but for the ownership and maintenance of these several properties by the former President.

The Government Activities Subcommittee, of which I was Chairman, was alarmed not only at the magnitude of these expenditures, but also at the type of expenditure we found to be occurring. It was discovered that the American taxpayer had paid \$66,000 for a fence around the Key Biscayne compound designed as a replica of the fence around the White House.

The Government paid \$2,000 for a shuffleboard at Key Biscayne. We paid for heating systems in private homes at Key Biscayne and at San Clemente—the latter one costing over \$13,500.

The American public paid for the property surveys used by Mr. Nixon's attorney during the settlement proceedings when he purchased the property in California. Those property surveys, costing over \$5,000, were ordered by, delivered to, and billed to Mr. Nixon's private attorney, Herbert Kalmbach, long before either the Secret Service or the General Services Administration actively began planning security at that location.

The American people also paid for a new sewer line, over \$5,000 worth of lanterns, furniture for the den, and, at one time, were paying more than \$40,000 a year for landscape maintenance on the Nixon property at San Clemente. Government personnel permanently assigned to these private property locations in San Clemente and Key Biscayne were costing over \$1.6 million per year.

After an extensive and very difficult investigation, my Subcommittee revealed numerous flagrant abuses of the public trust by high level government officials, including some in the White House. We discovered that managerial responsibility for the expenditure of these millions of dollars was virtually nonexistent. Mr. Nixon's personal attorney and architect were being permitted to order items costing thousands of dollars and send the bills to the GSA. People in the White House were directing the GSA to perform or pay for routine home-owner services and then generate after-the-fact requests from the Secret Service in an effort to cover up the true source of the expenditures of public funds.

Not all of the fault lies with the Government agencies. The very fact that a President of the United States chose to maintain three private homes in addition to the White House and Camp David subjected the American public to the unwarranted expenditure of millions of dollars.

The American people do not want to restrict a President's mobility, nor to imprison him in the White House. Neither do we want to deny the necessary expenditures to support the activities of his office and to protect his safety and well-being under all circumstances. The House Government Operations Committee concluded, however, after our investigation that the generosity and trust of the American people had been abused.

In a report adopted on May 20, 1974, by a vote of 36 to 0 with 2 abstentions, the Government Operations Committee made a number of recommendations to avoid a repetition of those problems. Along with several co-sponsors, I introduced legislation to carry out those recommendations. That legislation was referred to the Judiciary Committee and to this Subcommittee.

This Subcommittee held hearings on the bill during the 93rd Congress and made a number of very beneficial suggestions which were incorporated into the legislation. The bill, H.R. 17311, was then adopted by the Full Committee and subsequently, on December 16, 1974, by a voice vote on the House Floor. Unfortunately, there was not sufficient time remaining in the 93rd Congress for the Senate to act on the bill, so I have again introduced virtually identical legislation in the 94th Congress with minor technical corrections.

Several guidelines were followed in drafting the bill. One, the bill does not restrict the Secret Service in carrying out its legitimate activities. Two, the bill does require the Secret Service and other Government agencies to develop managerial and fiscal controls to reduce opportunities for the blatant misuse of public money. Three, the bill unites obligatory authority and accountability in one Government agency—the Secret Service. Four, the bill does not restrict presidential mobility, but does provide some guidelines that should preclude a repetition of the embarrassing and illegal practices we found. These guidelines should be beneficial to the agencies and to the property owners as well.

I will not take the time to discuss each section of the bill, but will summarize briefly the major provisions. Under this legislation:

The Secret Service can provide permanent security for each person or family under its protection at only one nongovernment-owned location at a time.

Procurements would have to be made by Government personnel acting on written requests and with reimbursement from the Secret Service.

There would be no limit on other government agencies' providing temporary assistance to the Secret Service.

Permanent improvements would have to be removed if economically feasible or if requested by the owner; if the owner does not request the removal and they are not removed, the private owner would have to reimburse the Government in an amount equal to the increase in the fair market value of his property.

Mr. Chairman, most of the members of this Committee are too familiar with the abuses that have occurred in the expenditure of public funds in connection

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with the privately-owned properties of Mr. Nixon. We cannot again subject the American taxpayers to such abuses. Neither can we continue to make such expenditures at an unlimited number of locations.

Passage of this legislation will be beneficial, not only to the American taxpayers by precluding the misuse of public funds in this manner, but will also assist the President, the Vice President, and the Government agencies involved by setting forth basic guidelines and limitations as to how public money can be spent on privately-owned properties. This legislation will protect an innocent President from embarrassment caused by over-zealous aides seeking to gain favor and will protect Government officials from pressures of a President or his aides who fail to respect the public trust they hold.

[A copy of H.R. 1244 follows:]

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94TH CONGRESS
1ST SESSION

H. R. 1244

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1975

Mr. Brooks introduced the following bill; which was referred to the Committees on Government Operations and the Judiciary

A BILL

To establish procedures and regulations for certain protective services provided by the United States Secret Service.

- 1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*
- 2 That this Act may be cited as the "Presidential Protection
- 3 Assistance Act of 1975".

- 5 SEC. 2. In performance of the protective duties of the
- 6 United States Secret Service pursuant to section 3056 of
- 7 title 18 of the United States Code (pertaining to the protec-
- 8 tion of the President of the United States and other persons)
- 9 and the first section of the Act entitled "An Act to authorize
- 10 the United States Secret Service to furnish protection to
- 11 major presidential or vice presidential candidates", approved

1 June 6, 1968 (Public Law 90-331; 82 Stat. 170); Federal
2 departments and agencies shall assist the United States
3 Secret Service by—
4 (1) providing, with reimbursement, personnel,
5 equipment, or facilities on a temporary basis;
6 (2) providing, upon advance written request of
7 the Director of the United States Secret Service or his
8 authorized representative and upon reimbursement by
9 the United States Secret Service of actual costs, such
10 facilities, equipment, and services as are required by the
11 United States Secret Service to provide full-time secu-
12 rity for each protectee at no more than one property at
13 a time not in Government ownership or control, such
14 property having been designated by a President,
15 President-elect, former President, or any other person
16 entitled to protection under the above provisions of law,
17 as the one property to be secured under this paragraph.
18 Where more than one family member is eligible for
19 Secret Service protection, there shall be only one such
20 designated property allowed per family. However, such
21 limitation shall not be construed to apply to members
22 of the immediate family who do not permanently reside
23 with the person entitled to protection;
24 (3) providing, upon advance written request of
25 the Director of the United States Secret Service or his

1 authorized representative and upon reimbursement by
2 the Secret Service of actual costs, such facilities, equip-
3 ment, and services, as are required by the United States
4 Secret Service to secure any other property not in Gov-
5 ernment ownership or control to the extent that such
6 expenditures do not cumulatively exceed \$10,000 at any
7 one property owned, leased, occupied, or otherwise
8 utilized by persons entitled to protection under such
9 sections of title 18 and such Act unless approved by
10 resolutions adopted by the Committees on Appropriations
11 of the House and Senate, respectively.

12 SEC. 3. Expenditures by the United States Secret Service
13 for maintaining a permanent guard detail and for permanent
14 facilities, equipment, and services to secure non-Government
15 property owned, leased, occupied, or otherwise utilized by
16 persons entitled to protection under the above provisions of
17 law shall be limited to properties described in section 2 (2)
18 of this Act.

19 SEC. 4. All purchases and contracts entered into pursu-
20 ant to sections 2 (2), 2 (3), and 3 of this Act shall be made
21 in accordance with the provisions of the Federal Property
22 and Administrative Services Act of 1949.

23 SEC. 5. No payments shall be made pursuant to this Act
24 for services, equipment, or facilities ordered, purchased,
25 leased, or otherwise procured by persons other than officers

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1 or employees of the Federal Government duly authorized by
2 the Director of the United States Secret Service to make such
3 procurements.

4 SEC. 6. All improvements and other items acquired pur-
5 suant to this Act shall remain the property of the Federal
6 Government. Upon termination of entitlement to Secret Serv-
7 ice protection or if a President, President-elect, former Presi-
8 dent; or other person entitled to protection under section
9 3056 of title 18 of the United States Code and the first sec-
10 tion of the Act entitled "An Act to authorize the United
11 States Secret Service to furnish protection to major Presi-
12 dential or Vice Presidential candidates", approved June 6,
13 1968 (Public Law 90-331; 82 Stat. 170) designates a dif-
14 ferent property to be so secured, all improvements or other
15 items shall be removed from the original property unless it
16 is economically unfeasible to do so, as determined by the
17 United States Secret Service, except that, such improvements
18 or other items shall be removed and the property restored
19 to its original state, regardless of the determination of eco-
20 nomic unfeasibility, if the owner of such property at the time
21 of determination requests removal. If improvements or other
22 items are not removed, the owner of the property at the time
23 of determination shall compensate the Government for such
24 improvements or other items to the extent they have in-

1 increased the fair market value of the property as of the date
2 of transfer or termination.

3 SEC. 7. Expenditures under this Act shall be from funds
4 specifically appropriated to the United States Secret Service
5 for carrying out the provisions of this Act. Public funds not
6 so appropriated shall not be used for the purpose of securing
7 any non-governmentally-owned property owned, leased, oc-
8 cupied, or otherwise utilized by persons entitled to protection
9 under section 3056 of title 18 of the United States Code and
10 the first section of the Act entitled "An Act to authorize the
11 United States Secret Service to furnish protection to major
12 presidential or vice presidential candidates", approved June
13 6, 1968 (Public Law 90-331; 82 Stat. 170).

14 SEC. 8. The United States Secret Service shall transmit
15 a detailed report of expenditures made pursuant to this Act
16 to the Committees on Appropriations and Committees on
17 Government Operations of the House of Representatives and
18 Senate on March 31 and September 30 of each year.

19 SEC. 9. Expenditures made pursuant to this Act shall be
20 subject to audit by the Comptroller General and his autho-
21 rized representatives, who shall have access to all records
22 relating to such expenditures. The Comptroller General shall
23 transmit a report of the results of any such audit to the Com-
24 mittees on Appropriations and Committees on Government
25 Operations of the House of Representatives and the Senate.

1 SEC. 10. Section 2 of the Act entitled "An Act to author-
2 ize the United States Secret Service to furnish protection to
3 major presidential and vice presidential candidates", approved
4 June 6, 1968 (Public Law 90-381; 82 Stat. 170), is
5 repealed.

Mr. FLOWERS. A bill, in substantially the same form, was heard before this subcommittee in the last Congress, reported favorably to the House and passed the House on December 16, 1974. Mr. Brooks was also the principal sponsor of the bill in the last Congress.

We thought it well to move forward rapidly on it in this Congress, and that is the purpose of this, which is the first item of business of the subcommittee in this 94th Congress.

I would like to say, Mr. Keller, we welcome you to the subcommittee. I know you testified in the previous hearing on it before, and we will be delighted to hear what you have to say about it.

If Mr. Moorhead has any opening remarks, or any other members of the subcommittee, they may speak now.

Mr. MOORHEAD. Mr. Chairman, I think the major concern that many of us have is the protection granted to families of ex-Presidents, which has proliferated in recent years to the extent that it is pretty hard to convince ourselves or the American people that the type and extent of protection offered is really necessary.

One of the Congressmen who served on this subcommittee last year said during the hearings that we were apparently building up a monarchy in this country where we expected people who served in high office and their families to be treated all their lives in such a way that they were held apart from the rest of the public.

We had information that a third of a million dollars was being spent a year on each of the wives of former Presidents when, most of them, probably don't need any protection at all.

What we are trying to do is to bring some rhyme or reason into an area that really has gotten out of hand. I think what would be most helpful for us is for you to tell us where we can bring this thing under control and still give the protection that is absolutely necessary for our Presidents and ex-Presidents. I am almost certain that there will be a bill that will come out and that will be a most important piece of legislation. But could you give us some information that tells us where we can do the job without damaging the overall protection that is really necessary.

Mr. FLOWERS. Mr. Mazzoli, do you have a statement at this point?

Mr. MAZZOLI. None, Mr. Chairman; except I had a chance, being new to the committee, to study the material that Mr. Brooks sent to us yesterday and to read the report of the committee on the 93d Congress on dealing with this very bill. Perhaps Mr. Keller's statement, which I haven't had a chance to look at, would answer one or two areas of inquiry that I will have.

This is a very important area. I think we saw how the system was abused, and we hope that perhaps the input of this committee might prevent the abuses in the future.

Mr. FLOWERS. Mr. Pattison.

Mr. PATTISON. No, Mr. Chairman.

Mr. FLOWERS. We will hear from you at this point, Mr. Keller.

TESTIMONY OF ROBERT F. KELLER, DEPUTY COMPTROLLER GENERAL OF THE UNITED STATES, ACCCOMPANIED BY IRVINE M. CRAWFORD, ASSOCIATE DIRECTOR, GENERAL GOVERNMENT DIVISION

Mr. KELLER. Thank you, Mr. Chairman, and members of the subcommittee. First, I would like to introduce Mr. Crawford, Associate Director of our General Government Division, who was responsible for the work we did in connection with Key Biscayne and San Clemente last year.

As you know, and as you just mentioned, Mr. Chairman, we appeared before your subcommittee on August 21, 1974, to testify on H.R. 11499, a bill somewhat similar to the one under consideration today. Our testimony was based primarily on a review we had made of the expenditures for protective purposes at Key Biscayne and San Clemente which resulted in a report by the Comptroller General to the Congress dated December 18, 1973. The principal recommendations in our report were that appropriations for expenses of private residences for Presidential protection should be made to the Secret Service and no other funds should be available for that purpose.

Second, the accounting system of the Secret Service should require the expenses at private residences for protection purposes be authorized by the Director or the Deputy Director of the Service.

Third, the Secret Service should make an annual public report to the Congress showing in as much detail as security will allow expenditures made on private premises.

And last, the report made by the Secret Service should be subject to audit by GAO and GAO should be given complete access to all records, files, and documents supporting expenditures made by the Service.

In addition, we suggested that the Congress might wish to consider limiting the number of private residences at which permanent protective facilities would be provided for the President.

These recommendations were consistent with the changes in law proposed in H.R. 11499 except for the GAO audit provision, which was later included. Turning now to the bill under consideration, H.R. 1244, we believe that it is consistent with all the principal recommendations made by the GAO in its report. There are only two relatively minor comments which we wish to offer. First, we suggested in prior testimony that the language in section 2—and that is the language which requires complete reimbursement with respect to reimbursement of certain costs where military equipment and men are used. We don't know why this suggestion was not adopted but we will point out again that there may be difficulties in costing the services on a satisfactory basis as will be a necessity for some substantial increases in Secret Service appropriations. I raise it for your consideration.

The second question was raised by us at the hearings last summer concerned what would be a reasonable amount to allow for facilities, equipment and services to be provided by the Secret Service in secur-

ing any property under section 2(3). This is the additional property other than the one permanent residence.

The bill under consideration last year provided that such expenditures could not cumulatively exceed \$5,000. We stated that if past assistance provided by GSA to the Secret Service at other than a principal residence is taken as a measure of what is required, the \$5,000 limitation was too low. We cited examples where Grand Cay in the Bahamas was visited by President Nixon and the Haywood Ranch in Texas owned by President Johnson.

On the basis of what we found in making our report last year, we believe that the \$10,000 as presently provided in the bill is much more reasonable than the \$5,000. In addition, the bill under consideration introduces a measure of flexibility by providing that additional amounts may be expended if approved by resolution of the Appropriations Committees of the House and Senate. So in the case of real emergency there would be a control by Congress if they were to go over the \$10,000 limitation.

That concludes my prepared statement. We believe the bill under consideration is the type of bill that we would recommend as a result of our review of the San Clemente and Key Biscayne expenditures last year. We think it builds in a system of accountability which wasn't present in connection with the Key Biscayne and San Clemente activity.

There was a great deal of difficulty for us in determining who authorized certain expenditures, how they came about, etc.

The bill that you have under consideration would require that the determination as to the necessity for the expenditures be made by the Director of the Secret Service, and in addition you have an additional control in that the Secret Service will be required to use its own money rather than somebody else's.

Under the prior situation the Secret Service did have authority by Congress to call on any agency of the Government to furnish services without reimbursement.

Mr. FLOWERS. We appreciate that, Mr. Keller. I don't think I have any specific questions that you have not already laid to rest, so to speak. Section 2(3) of the present bill now contains a limit of \$10,000 rather than \$5,000 at other properties in addition to the primary one, so that is taken care of already. I don't have any further questions that I will direct to you or your associate.

Mr. Moorhead, do you?

Mr. MOORHEAD. Last year, we were considering an amendment that would limit the amount of protection given to widows of ex-Presidents. With the experience that you have had, do you think the degree of protection that is now being given is really necessary?

Mr. KELLER. I really can't answer that, Mr. Moorhead, because I think the GAO is not in a position to judge the necessity for security precautions to be taken. I think that is up to the Secret Service. In our study last year—correct me if I am wrong, Mr. Crawford—we did not get into this area.

I might add that we are presently making a review as to the expenditures that have taken place at Key Biscayne and San Clemente since President Nixon resigned last August.

Mr. MOORHEAD. I think one of the things that concerns some of us is the fact that protection lasts for many, many years, when there is no longer any obvious danger. I think President Cleveland's widow was still alive in the 1940's, so if we had had this kind of a system then, she might have gotten it for 50 years after he was dead.

It is just a question of whether our taxpayers should be required to pay this kind of expense.

Mr. KELLER. I have to defer the question to the Secret Service. I think the Service is in a better position to answer as to the need.

On its face, I would have to agree with you, but there may be matters I am not aware of where there is a security problem of some kind.

Mr. MOORHEAD. Under the bill that we presently have, section 9 especially makes some changes in our practices. Can you live with this bill and perform the duties that you have adequately under the bill as it is now constituted?

Mr. KELLER. We are very well satisfied with the bill, Mr. Moorhead, and section 9 was put in at our suggestion last year. In our dealings in Key Biscayne and San Clemente, we did not have any real problem of getting access to the records of the Secret Service. We suggested section 9 only as a precautionary measure because in the future things might change. We thought it would be well to have a clear requirement in the law that we should have complete access to the records for audit purposes.

Mr. MOORHEAD. I have no further questions.

Mr. FLOWERS. Mr. Mazzoli.

Mr. MAZZOLI. Thank you, Mr. Chairman.

I have some questions. One is to what extent is the Government responsible for protecting the persons of the Presidential family? Is there an age limit on how long this kind of protection continues?

Mr. KELLER. It is set out in the law in title 18, section 3056 the law requires the Secret Service, subject to the direction of the Secretary, to protect the person of the President of the United States, the members of his immediate family, the President-elect, the Vice President, or other officers next in order of succession to the Presidency and the Vice President-elect, and to protect the person of a former President and his wife during his lifetime the person of a widow of a former President until her death or remarriage and minor children of a former President until they reach the age of 16 unless such protection is declined.

While we are on this subject, I would like to bring up another matter which may not be germane to this bill, but with which we have had some problems in the past, and some differences with the Secret Service.

You may recall we had the Vice President Agnew situation last year where he received protection for some time after he left office. We have construed the authority of Secret Service to protect persons in as limited to those persons defined in the law.

That has caused some problems. I would suggest the committee may want to look at these provisions and see if it wants to broaden them out and possibly give the President some discretion to order protection in certain cases.

Mr. MAZZOLI. Mr. Keller, you brought up one thing I would like to go into in just a second. First, I note that section 2 of our bill indicates that there is an opportunity for the Secret Service to protect more than one residence in the event that part of the Presidential family—presumably minor children—don't live with the President. I refer to the words "Where more than one family member is eligible for Secret Service protection there shall be only one designation of property is allowed per family." The bill further provides that this would not apply when family members do not permanently reside with the President.

I assume that would be a minor child going to a boarding school somewhere away from Washington. Do you read it that way?

Mr. KELLER. Yes; I would read it that way. That provision, I believe, was put in in connection with consideration of the bill last to take care of a situation where a President would own a residence, his wife might own a residence, and I think the committee was trying to pin it down to make it a family situation.

Mr. MAZZOLI. It seems to me again we are talking about the problem of proliferation of protection, and it seems to me you can have a Presidential family because of children going to different boarding schools strewn out all over the continent and we would have Secret Service people all over the place and communications networks that would run the taxpayer a considerable amount per year. That concerns me. Are you satisfied that this is a reasonable limitation on what can be done?

Mr. KELLER. I am personally satisfied with it. I don't know how to get around the problem because if a President has minor children who are away in school, they are entitled to protection. I presume they are subjected to threats on occasion, and I think it would be a mistake to limit the situation if their security is involved.

Mr. MAZZOLI. Let me ask you this question, Mr. Keller. Does somebody have the right of oversight or the right of determining the propriety of expending sums on permanent changes in facilities with respect to the Presidential family that might be, by reason of schooling, in several different cities, or is this a Secret Service decision, though it comes from their budget, which is not reimbursable?

Mr. KELLER. Under the law it would be up to Secret Service to make the determination. I don't know anyone offhand who could overrule them. Perhaps the Secretary of the Treasury, but the law speaks to the Director of the Secret Service; it does not speak to the Secretary.

Mr. MAZZOLI. Let me ask you this: You mentioned former Vice President Agnew, and I was going to refer to his house in Kensington.

As I understand, and I saw some of the pictures that were run in the newspaper about the guardhouse put up and the brick fences and all this type of thing, and correct me if I am wrong—but I understand he was aggrandized in the eventual sale of that property by the installations made at the taxpayers' expense.

Would this bill we have before us prevent that kind of thing from happening?

Mr. KELLER. Yes; I think it would. Perhaps some of the work done by Secret Service did enhance the value of the property. At the same time I think we have had a very fast growing real estate market in Washington, which probably had something to do with the increased

price. And then I suppose that being the residence of a former Vice President could have enhanced the value.

But under the provision of section 6 of the bill it very specifically says that all improvements shall remain the property of the Government and that they shall be removed after the protection is over. If they are not removed, the owner of the property at the time of the termination is required to compensate the Government for such improvements to the extent they have increased the fair market value of the property.

So if it did increase the value of the property, the Government would be entitled to payment from the owner of the property.

Mr. MAZZOLI. Would you explain, then, "these items shall be removed at the termination of the protection, unless it is determined by the U.S. Secret Service that it is economically unfeasible to do so."

Does that change the net effect of what you just told me?

Mr. KELLER. No, sir, I don't believe so. If the Government determines it is economically impossible to do so, that would make sense from the Government's standpoint.

I think of an example of a wall. You tear down a wall and you have some used bricks. You can't move a brick wall. The Secret Service might well make a determination that it isn't worth removing the wall, but the way I would interpret the bill, if the property is enhanced by the wall being put in there, the owner would have to pay fair market value for the enhancement.

But there is another provision in the bill which I think is a good one. If the owner says, "I don't care what it is worth, this thing is an eyesore to me and I want it out," the Government would have the responsibility to take it out.

Mr. MAZZOLI. Who determines whether or not it is economically feasible or unfeasible?

Mr. KELLER. That determination would be made by the Secret Service.

Mr. MAZZOLI. So they decide——

Mr. KELLER. Yes.

Mr. MAZZOLI. If that wall that the Secret Service originally constructed for security purposes is upon termination of protection determined by the owner of the property, say, a former Vice President, to be an eyesore, a disgrace to the property, he could order it removed at our expense?

Mr. KELLER. Yes, sir.

Mr. MAZZOLI. On the other hand, if the Secret Service felt unilaterally that it was unfeasible to remove that wall, then the owner would be required to keep it and to pay the United States any enhanced property value unless he elected to have it torn down?

Mr. KELLER. That is the provision in section 6.

Mr. MAZZOLI. And you are satisfied that is protection enough to the American people?

Mr. KELLER. I don't know how much further you could go. That is my problem. There would be, I assume, some problem of determining did it enhance the property, how much, and I think you would have to get outside appraisers to work that with you.

Mr. MAZZOLI. So you have flexibility in this bill or any other statutes on the books to allow some oversight on determinations of what property values are and what has been, for instance, an enhancement to the property?

Mr. KELLER. The General Accounting Office has authority to look at any transactions of the Government. We could question them, but we couldn't say, "You can't do it."

In this area I wouldn't think we could overrule the determination, but we could sure look at it and make a report to this committee and say we don't think it is a good determination.

Mr. MAZZOLI. Thank you, Mr. Keller.

Mr. FLOWERS. Mr. Pattison.

Mr. PATTISON. No questions.

Mr. FLOWERS. Ms. Jordan.

Ms. JORDAN. No questions.

Mr. FLOWERS. Thank you very much, Mr. Keller, we appreciate your testimony, and I am sure it will be considered by the subcommittee.

We will now invite Mr. Boggs, Mr. Long, and Mr. Hill, of the Secret Service, to join us at the witness table. I believe you have someone else with you, too.

Mr. BOOGES is Deputy Director of the U.S. Secret Service, and he has with him Mr. Long and Mr. Hill, who are Assistant Directors.

TESTIMONY OF LILBURN E. BOOGES, DEPUTY DIRECTOR, U.S. SECRET SERVICE, ACCCOMPANIED BY CLINTON J. HILL, ASSISTANT DIRECTOR, PROTECTIVE FORCES; FRANCIS A. LONG, ASSISTANT DIRECTOR, ADMINISTRATION; AND ROBERT McBRIEN, SPECIAL ASSISTANT FOR SPECIAL LEGISLATION AND PROJECTS

Mr. BOOGES. Yes; and I would introduce Mr. Hill, Assistant Director, Protective Forces; Mr. Long, Assistant Director, Administration; Mr. McBrien, Special Assistant for Special Legislation and Projects.

Mr. FLOWERS. Very good. We will be happy to hear from you.

Mr. BOOGES. I do have a statement, very much the same statement I made at the last meeting.

We are pleased to appear before you and the other distinguished members of this committee to present the views of the U.S. Secret Service regarding H.R. 1244, a bill to establish procedures and regulations for certain protective services provided by the U.S. Secret Service.

At the beginning, I should tell you that the concerns that prompted the introduction of the bill before you today have already been the subject of a careful review by the House and Senate Subcommittees on Appropriations that have the responsibility for recommending funds for the operations of the Secret Service and for overseeing the expenditure of the amounts appropriated by the Congress. At the direction of the Subcommittees on Appropriations and with the assistance of their staffs, we have developed a comprehensive procedure for the acquisition of space, alterations, and services at locations involving protective operations.

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With your permission, Mr. Chairman, I would like to submit copies of these procedures for the consideration of the members of the committee and for insertion in the record.

Mr. FLOWERS. We will certainly receive that.
[The information referred to follows:]

DEPARTMENT OF THE TREASURY,
UNITED STATES SECRET SERVICE,
Washington, D.C., February 22, 1974.

Memorandum

To: Deputy Director, Assistant Directors, Assistants to the Director, Legal Counsel, All SAIC's and Division Chiefs.
From: Director.
Subject: Procedure for the acquisition of space, alterations, and services at locations involving protective operations.

Attached are revised procedures covering the acquisition of space, alterations, and services at locations involving protective operations. These procedures are effective immediately.

As indicated in the procedures, all approved work will be monitored jointly by the Office of Administration and the operational office involved. Any necessary adjustments in the action requested will be conveyed to the initiating office through the appropriate Assistant Director for the operational office involved.

It is expected that these procedures will be strictly followed. Any deviations therefrom must have the express written approval of the Deputy Director.

Additional copies of SS Form No. 1911 may be obtained from the Administrative Operations Division in the usual manner.

H. S. KNIGHT.

Attachment.

PROCEDURES FOR THE ACQUISITION OF SPACE, ALTERATIONS, AND SERVICES AT LOCATIONS INVOLVING PROTECTIVE OPERATIONS

1. *Purpose.*—The purpose of these procedures is to establish a uniform method in the Secret Service for the acquisition of space, alterations, and other services at locations involving protective operations.

2. *Scope.*—These procedures are applicable to all Secret Service Offices, Divisions, Details, or other groups who have been assigned the duty to provide protection to persons, places, or things. Included in this coverage are operations at both Government-owned and Government-leased sites and property, as well as privately-owned or leased sites and property.

3. *General Coverage.*—These procedures cover all work performed or to be performed, together with any related expenditures for all space, alterations, services, equipment, furniture, and all other items of tangible property which are furnished, installed, constructed, repaired, or altered by or at the request of the United States Secret Service, including those items that are physically attached or made a permanent part of any structure, property, site, or other physical entity.

4. *Survey or Requirements.*—The Secret Service will conduct its usual survey to determine what measures are necessary to provide the desired level of protection.

5. *Request for Authorization and Performance.*—Requests for work or expenditures described in paragraph 3 above will be documented as indicated on SS Form No. 1911, including all pertinent justifications and specifications. The cost estimate will include information obtained from the General Services Administration, where appropriate. When required, use plain paper for continuation sheets. Requests will be deemed to include all necessary future replacements, maintenance, and repairs relating to the work or other items specifically requested.

6. *Proposed Recovery of Equipment and/or Restoration Required.*—Items of equipment that the Secret Service proposes to recover at the termination of the mission will be clearly spelled out on SS Form No. 1911, together with any restorations that appear to be required. It should be understood that in some instances, it may not be practical or economically feasible at some future date to recover items and make restorations as contemplated at the time the work was originally performed.

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7. *Concurrence of Protectee or His Designee when Either Privately-owned or Leased Property is Involved.*—Prior to the commencement of any work on privately-owned or privately-leased property, the concurrence for such work that is required to be performed will be obtained by the requesting office from the protectee or his designated representative. When representatives are designated to act for protectees, such authorizations shall be obtained in writing from the particular protectee involved. Such concurrence shall not be considered as agreement by the protectee to the proposed recovery or restoration proposed in the request.

8. *Processing of SS Form No. 1911, "Request for Space, Alterations, Equipment, and Services at Locations Involving Protective Operations".*—SS Form No. 1911 will be initiated by the appropriate Special Agent in Charge or Assistant Director involved. Cost estimates will be determined by the requesting office in conjunction with the Administrative Operations Division in the Office of Administration. Any cost information required from the General Services Administration will be obtained by the Administrative Operations Division, which will also serve as the contacting office with that agency. After the requisite approvals and certifications as to the availability of funds has been obtained, the Administrative Operations Division will issue the appropriate job orders, purchase orders, or contracts, as the case may be. The performance of any work required will be monitored jointly by the Administrative Operations Division and the appropriate Special Agent in Charge or Assistant Director involved.

9. *Emergency Procedures.*—When an emergency arises and time does not permit the processing of SS Form No. 1911 in the usual manner, all requests, concurrences, and approvals required by these procedures may be processed orally. Any such emergency oral actions shall be confirmed by the submission of SS Form No. 1911 with a check mark in the "Confirmation" block as soon as possible thereafter, preferably within 24 hours.

10. *Accounting and Reporting.*—Costs will be accumulated for each location indicating whether the property is Government-owned or leased or privately-owned or leased. Any reports or notices required by law pertaining to the activities covered by these procedures will have the concurrence of the agencies involved, i.e., Secret Service and the General Services Administration.

Effective July 1, 1974, all costs incurred under these procedures will be funded from the appropriation of the United States Secret Service. Appropriate reports of the activities performed and the costs incurred under these procedures will be made to the Appropriations Committees of the Congress.

11. *Effective Date.*—The requirements spelled out in these procedures are effective immediately. The Director's memorandum of October 15, 1973, subject "Space for Protectees," File No. 580.0 (x 610.0) is hereby rescinded.

H. S. KNIGHT.

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REQUEST FOR SPACE, ALTERATIONS, EQUIPMENT, AND SERVICES
AT LOCATIONS INVOLVING PROTECTIVE OPERATIONS

A. GENERAL INFORMATION		PAGE NO. OF PAGES
NAME OF PROTECTEE	FINANCIAL CODE (PMO USE ONLY)	DATE OF REQUEST
NAME OF SITE LOCATION	<input type="checkbox"/> ORIGINAL REQUEST	FILE NO.
<input type="checkbox"/> GOVT OWNED <input type="checkbox"/> PRIVATELY OWNED	<input type="checkbox"/> CONFIRMATION OF	820.0
<input type="checkbox"/> GOVT LEASED <input type="checkbox"/> PRIVATELY LEASED		
GENERAL PROJECT TITLE		
SUMMARY OF PROPOSAL		
NAME OF REQUESTOR	OFFICE	
CONTACT FOR ADDITIONAL INFORMATION	TELEPHONE NO.	REQUIRED COMPLETION DATE

B. SUMMARY JUSTIFICATION AND SPECIFICATIONS FOR PROJECT (CONTINUE ON PLAIN BOND PAPER)

TOTAL ESTIMATED COST

C. PROPOSED RECOVERY OF EQUIPMENT AND/OR RESTORATION REQUIRED

TOTAL ESTIMATED COST

D. CONCURRENCE OF PROTECTEE OR DESIGNEE
(PRIVATELY OWNED/LEASED PROPERTY ONLY)

SIGNATURE	DATE
-----------	------

E. APPROVALS

OPERATIONAL		APPROPRIATE ASSISTANT DIRECTOR (SIGNATURE) DATE	
SAIC [SIGNATURE]	DATE		
ADMINISTRATIVE		F. AVAILABILITY OF FUNDS CERTIFICATION (PMO USE ONLY)	
AD-ADMINISTRATION [SIGNATURE]	DATE		
AGENCY			
DEPUTY DIRECTOR (SIGNATURE)	DATE		

UNITED STATES SECRET SERVICE

ADMINISTRATIVE OPERATIONS

BSF 1911 (02-74)

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Mr. Boggs. In reviewing the procedures you will note they are all encompassing, and include operations at both privately owned or leased sites and property as well as Government-owned or leased sites and property. In addition to meeting the concerns of the House and Senate Subcommittees on Appropriations, they take into account and implement the recommendations of the Comptroller General in his report to the Congress entitled "Protection of the President at Key Biscayne and San Clemente (With Information on Protection of Past Presidents)" B-155950.

A comparison of the procedures with H.R. 1244 indicates that sections 4 and 5 are covered under existing statutes, as is section 9, with the exception of the reporting requirements. The sections of the bill not addressed by our procedures are those that would hamper Secret Service operations by placing limitations on the amount of funds that could be expended, the restriction of permanent protection to one location, and the elimination of the assistance provided to the Secret Service by other agencies without reimbursement. In our view, all of these latter items are of grave concern to us in that they will either seriously impede the level of protection that we can provide, or result in some instances in a greater expenditure of funds than would otherwise be the case, and cause serious problems for the Secret Service in predicting budgetary requirements. In this regard, the repeal of section 2 of the act of June 6, 1968 (Public Law 90-331), is of particular concern to us.

With the indulgence of the committee, it might be appropriate at this point to review the evolution of the assistance provided by other agencies to the Service in carrying out its protective responsibilities.

As you know, the operations of the Secret Service were carefully reviewed by the President's Commission on the Assassination of President Kennedy, better known as the Warren Commission. In its report, the Commission made substantial recommendations relative to the level of protection being afforded the President. In its report, the Commission mentioned, among other things, that the protection of the President is in a real sense a Governmentwide responsibility which must necessarily be assumed by various Government agencies. The Commission further stated that "protecting the President is a difficult and complex task which requires full use of the best resources of many parts of our Government. Recognition that the responsibility must be shared increases the likelihood that it will be met."

Subsequent to the Commission report, the Secret Service made arrangements with various Government agencies for their specialized support as the need arose without any provision for reimbursement. These informal arrangements were the basis for the express statutory authority contained in section 2 of Public Law 90-331. In its report on the bill the Senate Committee on Appropriations stated:

The proposed language will provide specific authorization of a long-established practice of utilizing other Federal departments in the protective assignments. This assistance may include, but is not limited to, the provision of personnel and facilities for intelligence gathering, medical, transportation, and communications purposes. It eliminates any doubt of the legal basis for such practice and assures Treasury direction of the protective functions.

When the conference report on the bill (H.R. 16488) was called up before the House, the following statements were made:

Last week, we gave support to the President's emergency action. A resolution (H.J. 1292) was adopted by both Houses—and signed by the President on the same day—to provide authority for the safeguarding of Presidential candidates. We also wrote into permanent law the right of the Secret Service to call upon the personnel and facilities of all Government agencies to assist in the protection of our Presidents and Presidential candidates. While this had long been the custom, there had been no statutory authority for this action.

Our attention has also been focused once again on the need for other Federal departments and agencies to assist the Secret Service in its protective functions. This need was stressed vigorously by the Warren Commission. As the number of persons subject to Secret Service protection and the amount of their travel has increased over the years, these protective functions have become a government-wide responsibility.

The task of protecting our Presidents involves far more than the availability of trained agents. It requires the coordination of all law enforcement agencies for intelligence gathering, the availability of safe transportation facilities and adequate communications to reach remote areas, health and scientific expertise to test food and drinking water, and many other governmental resources. We must never permit the safety of our Presidents—present, past, or future—to be compromised because the resources of the Government were not made available to the fullest extent possible to insure their protection.

It is clear to us from the legislative history of Public Law 90-331 that the Congress has not intended that the Secret Service shoulder the entire Federal financial burden of protective activities and that section 2 of Public Law 90-331 was simply intended to put a congressional stamp of approval on the existing practice of Federal agencies providing assistance to the Secret Service in connection with its protective functions without any requirements for reimbursement.

In this respect, we believe the Congress, in its wisdom, recognized that it would be totally impractical for the Secret Service to accurately project for budgetary purposes the variety of specialized needs which could occur in the total protection environment. Inasmuch as our requests for support are made to a number of different agencies, the budgetary impact on any one particular agency is minimized.

The repeal of section 2 of Public Law 90-331, at this time, would raise a whole host of issues without providing resolutions. For instance, would the Secret Service be required to reimburse the Department of Defense for the purchase, maintenance, operational cost, and security of planes utilized by proteetees, as well as the salaries of the crews and other support personnel involved, the use of the worldwide communications networks, and the utilization of ordnance bomb disposal and other specialized personnel.

Along these lines, I should point out that under the provisions of the Public Buildings Act Amendment of 1972, the Secret Service currently is required to budget and account for all expenditures made for alterations and the installation of security equipment at both privately owned or leased property and Government-owned and leased property.

In view of the above, we strongly urge that section 2 of Public Law 90-331 not be repealed as provided by section 10 of the bill before you, and that the current arrangements for assistance from other agencies which have proved so satisfactory in the past not be disturbed.

In the event this committee and the Congress retain the provisions of section 2 of Public Law 90-331, then the provisions of section 2(1) of H.R. 1244 become moot.

With respect to sections 2(2) and 2(3) of the bill, past history indicates that in recent years most Presidents have utilized more than one residence not in Government ownership or control. Aside from the question of whether or not it is desirable to place such restrictions on the residences of the President and others who are provided Secret Service protection, and perhaps financial hardships as well in the event they choose or are forced to move, the \$10,000 limitation in section 2(3) of the bill on the amount that could be spent on a second residence could conceivably result in additional overall protection costs. This would almost be a certainty in view of section 3 which prohibits the maintenance of a permanent guard detail to secure a second residence.

The rationale for this conclusion is that, notwithstanding the above restrictions on the Secret Service, a President or other protectee may still choose to utilize a second residence. In this event, the Secret Service would still be charged with providing the required protection. Due to the proposed limitation of \$10,000 and the prohibition on permanent guards, little could be done to permanently secure a second residence. In the absence of the residence being permanently secured, the Service would be forced to utilize additional personnel over and above the normal protective detail to do a complete inspection of the premises before they could be occupied. Depending on the frequency of use, the cost of the additional personnel involved together with their travel and per diem expenses plus the extra expense of transporting equipment, might well exceed what it would otherwise cost to secure the premises on a permanent basis in the absence of the proposed restrictions.

The requirement for reimbursement in section 6 raises additional questions. For instance, the fence installed around the Truman residence some years ago at a cost of a little over \$5,000 may well be worth as much as \$50,000 or more at today's fair market prices. Under such an assumption, the protectee or an estate would in some instances come under a severe financial strain upon termination of protection at a particular site should the requirement for reimbursement remain.

Section 7 of the bill is related to section 2 in that any support received from other agencies would be subject to reimbursement from funds appropriated to the Secret Service. For the same reasons cited earlier with respect to section 2, the Service urges that this provision not be adopted.

With respect to section 8, it should be noted that the Secret Service has been directed by the Subcommittees on Appropriations to submit quarterly reports of activities performed and the costs incurred to the Appropriations Committees of the Congress. I might add, too, that under existing law, all records and accounts of expenditures are subject to audit by the General Accounting Office.

In summary, Mr. Chairman, we believe that the procedures already established at the direction of the Subcommittees on Appropriations, together with existing statutes, are adequate to meet the concerns of the Congress with respect to our protective operations.

Due to the exigencies of the situation, time did not permit clearance of this statement with the Office of Management and Budget.

Mr. Chairman, this concludes my remarks, and I shall now be glad to answer any questions you or the other members of the committee may have.

Mr. FLOWERS. Well, sir, let's talk in specifics.

Mr. BOGGS. Yes, sir.

Mr. FLOWERS. You say that procedures have been worked out where Subcommittees on Appropriations will take care of any future problems and you don't need the constraints of law. I am not sure that that is so, at least from my point of view. You know, we remember very well here in 1975 the disclosures of 1973 and 1974 insofar as Key Biscayne and San Clemente are concerned, and I wonder if 10 years hence we shall have as fresh a recollection of it, and if we don't put these constraints into law, they will be lost by the wayside at some future date when the Subcommittees on Appropriations might change and not have the same reflective thought on the situation as they do now.

Now, specifically, what procedures have been worked out with the Appropriations Subcommittees which would restrict the expenditure or the claim upon other agencies to spend funds for a secondary private residence of a President such as the Key Biscayne property of former President Nixon.

Mr. BOGGS. First, the internal procedures have been realined, and regulations, as I submitted for the record, which establish the series of necessary approvals as recommended by the General Accounting Office, and appear in this bill.

Mr. FLOWERS. By what agencies?

Mr. BOGGS. Within the Service. In other words, no expenditures are made without the approval of the Director or the Deputy Director. There is also a fiscal review prior to a request coming to my desk for approval.

Mr. FLOWERS. But gaining that approval there are no other constraints? In other words, a President, if he happened to be a very rich man with worldwide residences such as, for instance, the current Vice President of the United States, a future Director of the Secret Service or Deputy Director might approve more than two residences even.

There is no rule within these regulations that says that that will be the case, is there?

Mr. BOGGS. No, sir; and in response to that we still feel and maintain that we are fiscally responsible and a judgment factor enters into the additional residences as to frequency of use, length of stay. These would determine whether permanent installations should be put in. If it is a residence that is infrequently used, for instance, then our decision probably would be no permanent installation. We could handle that situation with a trip package made for protective purposes. There are many factors that enter into a final judgment as to whether permanent installations would be made and also the degree of permanent installation that would be put in.

But in addition to that, if the restriction by law says there will be absolutely no others, then, of course, we don't have the flexibility of making that determination.

Mr. FLOWERS. Well, one thing the Congress would be saying, should this bill be passed—you know this is a determination of public policy—that I don't think the Secret Service is in a position to do for us—it is saying to this President or any future President that you are on notice that we are going to protect one private home for you and that is all and if you don't want the job on that basis, don't seek it.

I think that this Congress is going to make that pronouncement by this legislation.

We provide, I think—and this is a matter for consideration—a whole lot of places for the President to visit, military reservations, the Camp David property, of course, the White House, and one other is about the number of houses that a normal President even could grow accustomed to. But that is a public policy determination.

I have no other questions at this point, sir, and I will ask Mr. Moorhead if he does.

Mr. MOORHEAD. Do you feel that this will interfere with your protective function in any way?

Mr. BOGGS. It would interfere with the level of the protection, yes, Mr. Congressman.

Mr. MOORHEAD. How?

Mr. BOGGS. In that with the restriction on the installation of equipment we are taking away the ability to provide the highest degree of secure environment.

Mr. MOORHEAD. Doesn't there have to be some kind of limitation as to how many of these places should be protected throughout the country and around the world?

Mr. BOGGS. You are talking about somebody in office?

Mr. MOORHEAD. Yes.

Mr. BOGGS. In office, the limitation can be placed on the number of places we would protect but that does not preclude the principal from going to other places, and our protective responsibility prevails regardless.

Mr. MOORHEAD. I know, but say President Ford visits Vail, Colo.—and this year he didn't occupy his regular apartment, I understand, but was given an apartment—would you think of putting in extra protective services on a permanent basis in a place where he goes for one vacation only?

Mr. BOGGS. With the one vacation only and 2 weeks a year, no, sir, I doubt it.

Mr. MOORHEAD. I am not trying to get into Mr. Ford's problem, but when you have a situation where perhaps a place he owns isn't used very much, you can get into a situation such as we did with President Nixon where it looks like the Government is spending a lot of money on private property and really the protective need isn't there over a long period of time.

Mr. BOGGS. As I responded to the chairman, a judgment factor will enter as to how much it will be used. If it is 2 weeks a year, our judgment would say no, we would not go to the expense of putting in permanent installations.

Mr. MOORHEAD. You know, we have Camp David available, Presidents all use that; give them one other vacation home they can have, and I suppose you could have spots all over, but as a matter of practicality Presidents don't have time to get to these places.

Mr. BOOGS. Well, again, I am being redundant, but I say in no way are we going to restrict a President on the number of places he may or may not go, but judgment, as I mentioned, as to how frequently will it be used and does it justify permanent installation. If so in the long run, it may be a saving factor. If he uses it frequently, we can make permanent installations and reduce the necessary amount of manpower that has to be moved.

But as I say, regardless of how many residences or places that the limitation may state, that does not restrict the President or any protegee from going to any number of other places, and we still have to protect him.

Mr. MOORHEAD. What will be the impact of the reimbursement requirements under this bill on your budget?

Mr. BOOGS. Again, as we point out—and Mr. Keller addressed himself to this—the ability to protect the budgetary need for support we obtain may not be insurmountable, as he says, but it is a very difficult thing to do, because we not only obtain support from GSA, which is all reimbursable now and in our budget, but from the Department of Defense and other agencies.

Mr. MOORHEAD. You reimburse the GSA now?

Mr. BOOGS. Yes, we do.

Mr. MOORHEAD. That part wouldn't make much difference to you.

Mr. BOOGS. No, but it would have a very definite inflationary impact on our budget.

Mr. MOORHEAD. What do you think of the limitation on protecting Presidential widows, such as we were considering last year?

Mr. BOOGS. Again, as I mentioned, Congress passed a law that we protect the widows of former President, and we follow what we are required to do. We have introduced a legislative package which is in the Treasury Department now. We have recommended a change in title 18, section 3056, to limit the protection of widows of former Presidents to a period of 6 months after death of the President.

Mr. MOORHEAD. Will the fact of GAO access do any particular harm?

Mr. BOOGS. There is no harm. They have that authority now, and I would hate to think we were uncooperative at any time. They have the authority, they have access to our files. Under the new system it is even easier to capture the figures and facts they are looking for, and, as I say, I think that section is a redundancy in that they can come in at any time.

Mr. MOORHEAD. Insofar as the section 10 we are talking about, on the surface at least, it relates to major Presidential and Vice Presidential candidates?

Mr. BOOGS. I am sorry, I didn't understand that.

Mr. MOORHEAD. You were referring to section 10 of the bill. Section 2 of the act entitled "An Act to authorize the United States Secret Service to furnish protection to major Presidential and Vice Presidential candidates."

Mr. BOOGS. But that section 2 is the broad language of the authority of the Director of the Secret Service to call upon any Federal agency in its protective mission. That is not restricted only to candidate nominees.

Mr. MOORHEAD. One thing I wanted to be sure, we are not taking away your authority to protect major candidates?

Mr. BOGGS. That is covered in section 1 of 90-331. Section 2 is merely the ability to call upon other agencies for support on a nonreimbursable basis.

Mr. MOORHEAD. Thank you very much.

Mr. FLOWERS. Mr. Danielson.

Mr. DANIELSON. Thank you, Mr. Chairman.

That portion of your statement which you had completed before I arrived, I have now read, so I am familiar with the entire statement.

As I see it, you make a few comments here which I think we must consider. You made the comments to the effect that the implementation of the bill as a law, the one that we passed last year, might conceivably cause added expenses in some respect.

I think before we pass out this bill, if we do, I will want more detail on that because my purpose is to combine optimum protection for the President with the most efficient use of money.

Beyond that, I am going to make a couple of comments. I think perhaps the Secret Service has totally missed the point of the legislation that went out of this committee last year. In going through your statement, I see repeated references to the fact, apparently, that the Subcommittees on Appropriations of the House and the Senate have given instructions to do thus and so, and they have set up guidelines.

From that, since it is repeated throughout the statement, I can only infer that you feel that oversight should be exercised by and supervision should be exercised by and authority granted by the Appropriations Subcommittee.

I want to set the record straight. As far as this Member of Congress is concerned, oversight and authorization are the responsibilities of the legislative policy committees, such as the Judiciary Committee. It is the function of the Appropriations Committee only to make appropriations within the authority which is granted to them by the legislative committees. And this committee will do the authorizing, not the Appropriations Committee.

I know it has been a sloppy practice of the Congress in the past to legislate open-ended authorizations, in effect stating that there is authorized to be appropriated such amount as the Appropriations Committee deems fit.

As far as this Member of Congress is concerned, that is now history, closed, it is not negotiable. One middle section of a paragraph referred to the "careful review by the House and Senate Subcommittees on Appropriations that have the responsibility for recommending funds." Error No. 1: they have no responsibility for recommending funds. They must act within the authority that we grant them.

Next line, "At the direction of the Subcommittees on Appropriations and with the assistance of their staffs, we have developed" plans. Well, again, I want you to be in tune with the times, that here is where the direction comes from, and not the Subcommittees on Appropriations.

I do not wish to make any artificial limitation on the funds needed to provide optimum security, but the oversight will be done here, and I hope the Secret Service will recognize that is one of the facts of legislative life, governmental life, and will assist us in meeting our

joint responsibility of adequate optimum security without a needless waste of the tax funds.

You stated at the top of page 7—

That it would be totally impractical for the Secret Service to accurately project for budgetary purposes the variety of specialized needs which could occur—

Et cetera.

It may be difficult, but I submit that it is going to be the obligation of the Secret Service to project for budgetary purposes whatever those expenditures are going to be. You are going to have to either do it here or you are going to have to do it before the Subcommittee on Appropriations, and before the Subcommittee on Appropriations has that authority, it will have to be justified here, so you might as well get your accountants to work to do some budgeting as far as I am concerned.

On page 9 you refer to permanent security for residences.

I suppose we could get into a philosophical debate on what is permanent security but I have said optimum security because I want to distinguish. I presume we could have a greater security for Presidents if we had a series of little Fort Knoxes around the world, regardless of whether it is here, or the Atlantic coast, or someplace else that would be involved.

That is obviously not practical. I think we need reasonable optimum security and discretion and commonsense have to be factors in how much security we provide.

You mentioned the Truman fence, a fence around the Truman residence installed, I assume in 1945 or thereabouts, at a cost of \$5,000. It may well be worth as much as \$50,000 at today's fair market price. Maybe you have a valid point. Perhaps in reviewing the bill we should say fair market value, depreciated, or some such thing. That can be taken care of by standard accounting procedures.

As a matter of curiosity, I have seen that residence and seen the fence. What in the world is it made of?

Mr. BOGGS. Wrought iron.

Mr. DANIELSON. Is it anywhere near as expensive as the aluminum fence at Biscayne?

Mr. BOGGS. It would depend on the current cost of installation.

Mr. DANIELSON. What is wrong with chain link fences? They are not beautiful but you could have a hedge around them to cover them. They are horse high, hog tight, and bull strong, as we used to say back on the farm. Are they good security?

Mr. BOGGS. In some instances, yes. In some instances, no. One of the factors is that the protectee has to give approval for the installation.

Mr. DANIELSON. I think proper urging from the Congress—

Mr. BOGGS. We have been turned down on chain link fences.

Mr. DANIELSON. Next time enlist our aid. I think with some planting or whatever is appropriate in the geography, planted around the chain link, you have a good security.

Mr. FLOWERS. Would the gentleman yield?

Here is a Californian picking on a Florida property. How would a chain link fence look out in California obscuring the beautiful landscape?

Mr. DANIELSON. Hibiscus around it; oleander. We have a multitude of beautiful plants, bushes, vines we can grow there, ivy. In our beneficial climate you can take the ugliest fence in the world and make it beautiful—no problem.

Mr. FLOWERS. Mrs. Jordan.

Ms. JORDAN. How are decisions made within the context of the Secret Service agency about the nature and the extent of equipment which must be installed or changes which must be made in a residence in order to protect the protectee? Who makes that decision, and how do you arrive at that decision? How many people are involved in it?

Mr. BOGGS. A new residence, for instance, will start with a survey conducted by our experts in various fields, the physical protection, technical, fire protection, whether alarms may be needed, this type of thing. They make a recommendation on the survey of certain type of equipment and the installations that should be made.

Ms. JORDAN. Are these experts employed in the Secret Service agency?

Mr. BOGGS. Yes; that recommendation goes to the appropriate Assistant Director, Mr. Hill, who reviews the recommendations made by the technicians. He may make changes and reduce it or increase it, depending on his judgment and the judgment of his staff at that time. It then goes to the Assistant Director for Administration, who has the fiscal responsibility in making the review as to what our recommendations are with the estimated cost: Is that a fair cost? Can we afford it? If he then approves it, it comes to my desk and I make the final review on it.

Ms. JORDAN. Do you ever consult with the representatives of the Presidents?

Mr. BOGGS. It has to be done for any installation made on private property, yes. Not as to the type of equipment. In other words, I shouldn't say that we need a fence. We have been turned down on chain link fences. Determination sometimes is made as to esthetics, as it matches the esthetics of the property. The esthetics sometimes enter into it. Do our recommendations meet the esthetics of the property and the neighborhood where it is to be installed?

Other people have to look at it as well. It can't be objectionable to the community. However, we make a recommendation in the light of what will be accepted and at the most reasonable cost.

Ms. JORDAN. Do you give greater weight to protection than to esthetics?

Mr. BOGGS. Yes; very definitely.

Ms. JORDAN. Once you make the determination of cost, you make that final determination; is that correct?

Mr. BOGGS. Not necessarily as to cost but as to need and can we meet the costs and is it reasonable?

Ms. JORDAN. Throughout your testimony you talk about how complicated the reimbursement requirement would make your procedures. I cannot quite understand why a reimbursement feature, if enacted into law, would complicate your proceedings.

Mr. BOGGS. We are talking about one thing, Miss Jordan. We are talking about installation. We bear the cost of that. There are other things involved. We request aircraft and highly specialized support personnel such as bomb disposal ordnance people. There is more than

one type of support that we have utilized from other departments, other than just installation.

Ms. JORDAN. You don't want to pay them for the use of their supporting service?

Mr. BOGGS. We are talking about the very difficult task to project budgetary costs in this area of transportation, personnel used from other departments, experts from other departments, because we cannot predict the traveling of our protectees. We do not know how much the President is going to travel, or the Vice President, and we have other protectees.

There has been great direction here on the President, which is our highest priority, but we have several other protectees, many other protectees; 140 foreign dignitaries last year that we have to move with around the country. This is where the other support enters into it to a great extent, other than the permanent installations. To project that in a budgetary process, it is a very difficult thing.

Ms. JORDAN. It could be done, right?

Mr. BOGGS. I can to my fiscal expert on that.

Ms. JORDAN. Could it be done? Could you make a projection of that kind?

Mr. LONG. If the Congress required it, we would attempt it.

Ms. JORDAN. No further questions.

Mr. FLOWERS. Thank you.

Mr. MAZZOLI.

Mr. MAZZOLI. Thank you, Mr. Chairman.

Mr. BOGGS, I would like to ask you—you mentioned the judgment factor which would be involved and how much and the extent to which security devices will be installed. This would prohibit and perhaps minimize the dangers of abuse of the system. I would ask you this question: Were these judgment factors involved in judgments with respect to San Clemente and with respect to Key Biscayne? Are there some new procedures now you would perhaps levy against these proposed projects that you didn't before?

Mr. BOGGS. In the sense of San Clemente and Key Biscayne, as far as I am concerned, the installations the Secret Service made were necessary. The same judgment factor was there as far as need and the type of equipment and installation that might be needed.

Mr. MAZZOLI. Is not your judgment factor practically constrained, limited by the fact that in your set of requirements back here you demand concurrence of the protectee? This would mean that you are not going to get your strong fence, which is good security and maybe not esthetically too beautiful, but the protectee does not want it; he wants some sort of classic aluminum. How can you say there is a judgment factor when your judgment is conditioned by what the protectee wants?

Mr. BOGGS. Not necessarily what the protectee wants, Mr. Congressman. Let me use an example of the wall at San Clemente, if you will.

That is a community. Congressman Danielson has been there and knows the type of community, construction, building restrictions, and in a private community the determination indicated that we needed a wall for security purposes. So we came up with renderings of walls that would match the esthetics and meet our purposes. One of the

three was approved. The cost factor was practically the same in all three as far as that was concerned.

In other areas we recommend a chain-link fence, and we will do that. Mr. MAZZOLI. If I were the protectee and had a mansion somewhere, I would want the top dollar I could get out of it afterwards and try to put the top dollar into it. It would seem to me I would turn down chain-link fences. That would be my judgment as to protection and looking to the future upon retirement.

As I understand these things, I again look at least currently at the fair market values of whatever is installed. It seems to me that there are some questions as to why the concurrence is required. I would ask you that question, why is concurrence required?

Mr. BOGGS. The concurrence is required, will they let us make an installation on their property?

Mr. MAZZOLI. If they don't?

Mr. BOGGS. Then we have to realine our security level and substitute manpower where needed.

Mr. MAZZOLI. Perhaps if the President makes a judgment he does not want a chain-link fence, a cast-iron thing, who decides whether he is to get it?

Mr. BOGGS. It does not mean we agree we will put in a cast-iron fence.

Mr. MAZZOLI. You think the concurrence is a requirement in this whole procedure?

Mr. BOGGS. Concurrence to allow us to make an installation on their private property.

Mr. MAZZOLI. If you say to the President, "I concur, you need a fence," you take it from there or do you have any further opportunities to decide what kind of fence?

Mr. BOGGS. We would and have submitted rendering suggestions on the type of fence we would put in that would meet the needs and also in some instances meet the esthetics. If that is not acceptable, we are not going above that dollar figure, to the best of my knowledge, to meet a desire because they want something fancier.

Mr. MAZZOLI. Would not the fact that you can no longer shift these costs to GSA or some other agency of government result in a compatible move here? That would make this thing very clear cut?

Mr. BOGGS. It has already been done, Mr. Congressman. Those installations we pay for. That is in our budget.

Mr. MAZZOLI. Currently in your budget. That would not change?

Mr. BOGGS. No, sir.

Mr. MAZZOLI. On page 10 of your statement you mention that under such an assumption, a \$50,000 fence versus the \$5,000 fence the Congressman talked about earlier, under such an assumption the protectee or GSA would in some cases come under severe financial strain upon termination of protection if you are challenging the reimbursement section. As I understand that section, Mr. Chairman, that protectee could order it removed in a property rehabilitated at our expense?

Mr. BOGGS. That is correct.

Mr. MAZZOLI. What is the problem?

Mr. BOGGS. The reference to that, Mr. Congressman, was if we put a fence in 20 years ago at \$5,000 and the protectee had to be reimbursed for that at today's fair market value.

Mr. MAZZOLI. They won't have to reimburse us? They can say to you, "Take the fence out. I can not afford to reimburse you"?

Mr. BOGGS. That is right. The removal of that fence would cost more. This gets into the economic feasibility study and the result of that determination made is it is not feasible to remove it, then it goes to the property owner for an agreement as to whether it remains or does not remain. If he says take it out, we take it out.

Mr. MAZZOLI. If I may correct you, the property owner always has the right of last refusal; they can order the U.S. Government to remove that fence. "I cannot afford to reimburse the U.S. Government \$50,000 appreciated cost"?

Mr. BOGGS. Absolutely.

Mr. MAZZOLI. We don't have the little old lady example in that situation. You seem to make a case here for that.

Mr. BOGGS. I was merely commenting on the reimbursement at fair market value at current prices.

Mr. MAZZOLI. Reimbursement would not have to occur?

Mr. BOGGS. If you have to remove it, no.

Mr. MAZZOLI. We would have to pay in the last analysis?

Mr. BOGGS. On the other hand, if they didn't make a reimbursement at fair market value, there may be some reason to leave it there, which costs the Government less.

Mr. MAZZOLI. As I understand it, the protectee has the option of accepting the enhancement and reimbursing the government for it or ordering the Government to remove the enhancement and restore the property to its previous condition at no cost to the protectee?

Mr. BOGGS. Correct.

Mr. MAZZOLI. Accordingly, at page 10 you appear to misrepresent the situation. To the extent you don't have the little old lady situation who is faced with the problem of whether she is either going to pay \$50,000 for a \$5,000 fence or not, she can always order the U.S. Government to remove the fence, and she does not pay one cent for the removal and does not pay for any property enhancement?

Mr. BOGGS. That is correct.

Mr. McBRIEN. Excuse me; wouldn't we, though, have then a situation where we had a fence which was worth \$5,000 when installed? Its fair market value is now \$50,000. Your nice little lady wants it removed, and the removal and restoration costs for the Federal Government would be \$10,000, or something like that. Isn't it more reasonable to leave it on the property?

Mr. MAZZOLI. The point is, maybe we should never have installed the fence in the first place. This gets us to the idea of why concurrence is needed on what sort of initial installation. Because of the fact that you have property values that have historically been appreciating, that is the problem, and that is what we say about this factor that the gentleman was talking about, this judgment factor.

I don't see it. That is the problem.

Mr. DANIELSON. Would the gentleman yield for an observation?

I think these changes in fair market value, that provision of the bill could easily be accommodated. Without saying it is a good idea, one occurs to me. You could have a provision the protectee could retain the fence at current fair market value or cost, whichever is the lesser. Then your \$50,000 fence would cost \$5,000 and you can have it.

Mr. BOOGS. That is basically what it is now. This is the way it is now and this is the way we are proceeding on Key Biscayne.

Mr. MAZZOLI. Thank you, Mr. Chairman.

Mr. FLOWERS. I agree with the gentleman from California. That might be a likely amendment to put in the legislation.

The gentleman from New York.

Mr. PATTISON. I have a couple of questions.

Mr. BOOGS, I take it what you are saying relates to the budgetary problems, reimbursements from other governmental agencies. Is that given the fact that you don't know where the President is going to go or under what conditions; you have no way of estimating what your budgetary needs or equipment is going to require? Indeed, if you did have to do that, what you would have to do is—I will direct this to Mr. Hill—simply make an enormously large budget estimate and live within that?

Mr. BOOGS. The answer is yes. We would have to do that.

Mr. PATTISON. Let us get back to the abuse at Key Biscayne and San Clemente. Assuming those were abuses, what things were put in that perhaps were a little more grand than were needed? Would you say those abuses were primarily due to method or people that were involved in making the decisions? Has that been corrected at this point?

Mr. BOOGS. It has been corrected. I am the one who made those decisions, Mr. Congressman, during San Clemente and Key Biscayne. I feel today the decisions I made ultimately were necessary to provide protection and satisfy our mission.

I would say that obviously we thought we were prudent then, and I am convinced we are more prudent now.

Mr. PATTISON. There was some testimony and newspaper reports about things being ordered essentially by the President's lawyer.

Mr. BOOGS. We had nothing to do with that. I am sorry. We stand firm we were not involved in that.

Mr. PATTISON. Those were the things that were troubling the Congress the most.

Mr. BOOGS. That may well be, but the Secret Service was not involved in that.

Mr. PATTISON. Thank you very much.

Mr. FLOWERS. Let me ask you who was involved. Say Mr. Rebozo or Mr. Kalmbach called up the GSA and said, "Hey, do this." That is what the gentleman is talking about. "The fireplace at San Clemente, we want a \$3,000 exhaust fan put in the fireplace at San Clemente."

Under your revised procedures, who is going to stop that?

Mr. BOOGS. We won't be in a position to stop it because that is not within our purview at all, exhaust fan. We put that in, not GSA. It is true that didn't come out in any of the hearings. That is a past issue why it was put in.

Mr. FLOWERS. Let me ask you this: If the Secret Service ordered that put in, would that be put in under your current procedures?

Mr. BOOGS. If it were needed for the purpose it was needed then, yes.

Mr. FLOWERS. Which would be—

Mr. BOOGS. The new fireplace put in was not functioning properly. It was smoking in the room and kicking off our smoke detectors every

30 minutes. We had our experts, fire experts and technical experts, make a review as to what we could do to prevent smoke detectors, high false alarm rate which was utilizing manpower in response and very bad working procedure. They said, "Put in an exhaust fan."

Mr. FLOWERS. Smoke detectors?

Mr. BOGGS. Yes.

Mr. FLOWERS. Fire alarm system?

Mr. BOGGS. The smoke detectors implanted in the room, in the fire alarm system. The smoke from the fireplace was kicking off the smoke detectors at a very high rate. We put in the exhaust fan. I will accept the responsibility for that.

Mr. FLOWERS. It occurs to me, and without belaboring this, if the President is there, the only way that you can protect him is if he is there to be protected. I can understand the securing of a place so that you don't have to go back through it all the time and make sure that bad guys didn't come in in the dark of night and lay in wait. But with as many people around San Clemente as there would be when he is there, I wouldn't imagine not discovering a fire.

Mr. BOGGS. We did discover a fire but it was a result of our fire detection system.

Mr. FLOWERS. It would have been discovered otherwise?

Mr. BOGGS. It may not. It was within the walls. It may not have been detected before it became uncontrollable because it was within the walls. Those walls were 3 feet thick, hollow, and the fire could travel through the walls in the absence of detection systems.

Mr. FLOWERS. I have no further questions.

Mr. DANIELSON. Mr. Chairman?

Mr. FLOWERS. Yes.

Mr. DANIELSON. You intrigue me with this fire in the wall. What was the cause of that, wiring?

Mr. BOGGS. The fire in the wall?

Mr. DANIELSON. Yes.

Mr. BOGGS. It was a result of that same fireplace, a result of the construction of the same fireplace that was faulty.

Mr. DANIELSON. There had been a fire in the fireplace and the fireplace in some manner was faulty and therefore fire got into the walls, is that it?

Mr. BOGGS. To go into a little detail, they didn't have a firebrick construction in the fireplace, and they have a technical term for it—I forget what it is. Each time you built a fire it charred the timbers beneath the fireplace and eats a little deeper until it reaches a point where it flares into a fire. That is a cumulative thing which takes a period of time to happen. This is what happened there.

Mr. DANIELSON. Did you thereafter reline the fireplace with good—

Mr. BOGGS. We didn't. They did. We told them what caused the fire. As a result—

Mr. DANIELSON. You mean the Nixon household?

Mr. BOGGS. Yes, sir.

Mr. DANIELSON. What I am getting at here is, it would seem to me that without some type of budgetary responsibility, some limitation, a protegee could acquire any old delightful-looking house and, in effect, for security purposes have it restored.

Mr. BOGGS. I disagree, sir.

Mr. DANIELSON. We talk about exhaust fans. I think there was some plumbing that was improved down there?

Mr. BOGGS. No, sir, just the waterlines to our standpipe for firehoses.

Mr. DANIELSON. There was something anyway, I call pipes, waterlines, plumbing. It's not technically correct but that is the way I call it. I think the gentleman's comments do illustrate that we must put some type of budgetary control on this. I don't want the gentleman to misunderstand me. I think the Secret Service does a magnificent job of providing protection but I think we have to come to a recognition that there must be an optimum protection at a reasonable cost.

I suppose that if the President is strongwilled enough and adventurous enough to want to go out and make himself consciously a target for somebody, he probably would veto at that point our responsibility to protect. I hope we don't elect somebody with those tendencies.

I am not criticizing the efficiency and the effectiveness of the Secret Service's professional work in protection. I do think, though, that the Congress has been irresponsible in allowing this thing to go without any guidelines, effective guidelines at all. As far as I am concerned, I think that it is one of my responsibilities to try to help meet it, and I am going to discharge that responsibility.

Mr. FLOWERS. Would the gentleman agree if we passed this legislation, we would be attempting to help?

Mr. DANIELSON. That is right.

Mr. FLOWERS. The purpose would be to establish guidelines and help you folks do your job within certain rules and regulations. That would be the only purpose, not to restrict you but give you guidelines.

Mr. MAZZOLI. Would the gentleman yield?

I would make this observation. I think that is exactly right. I don't think you have any bargaining power and very little leverage. Your function, which, as the gentleman from California suggested is being performed superbly, is protection of the President. To that we certainly doff our hats. You have very little strength to bring to bear upon the prestigious President or the President's lady, who might herself have some elaborate grandiose view of her place in history. You really can't put any pressure on those people to accept security at a reasonable cost.

We can give you the option, hopefully the muscle, to be able to take the reasonable cost, and you tell us what is security. We will have to defer to that judgment. Then we, I hope, can give you what you need, which is some leverage and strength to acquire this property at a reasonable cost.

Mr. FLOWERS. Mr. Pattison.

Mr. PATTISON. What would you think of a provision that goes something like this: Once a protective device was necessary in the judgment of the Secret Service, and the Secret Service recommended a certain technical device, and the protectee rejected that on personal grounds, that it would thereafter be installed. Taking the example of the chain link fence and the wrought iron fence the difference between the cost of what was originally recommended and that installed could be charged to the protectee at the end of his term; would that solve some of the problems?

Mr. BOGGS. That is in there somewhere to some degree. The assumption there, Mr. Congressman, is that we would have to conform exactly to the wishes of the protectee as to the type of installation. We don't even do that now.

Mr. PATTISON. I am trying to get away from this problem that we appear to have had where the Secret Service recommends a protective device which is adequate to the job of protecting and the protectee decides that esthetically—and I don't think the Secret Service should be unmindful of esthetics either—but the Secret Service decides and the protectee decides what he wants is something much grander that would enhance the value of the property. We are all in favor of protecting the President, or the protectee, and we don't want to do it at anymore than what the cost of the protection should be.

Mr. BOGGS. I would say that particular device has already been used, in that when we make recommendations for certain installations and the protectee wanted something a little different. We said, "We can only pay this much." They have paid the difference. That has been done.

Ms. JORDAN. Mr. Chairman.

Mr. FLOWERS. Yes.

Ms. JORDAN. I would like to know, did the Secret Service change anything it was doing as a result of the helicopter landing on the White House lawn and the gate crash recently?

Mr. BOGGS. As far as the gate crash recently, we very definitely are revising a gate study. A study has been conducted and presented, or is being presented Monday to Treasury for approval as to different types of gates. This has to go through many things, the Historical Society and National Park Service. We are not the only ones that have a voice in that. That, of course, is underway.

As far as the helicopter landing, yes, we have made definite studies and revisions, to the extent we can. As one Congressman said, we cannot surround our White House with antiaircraft. This is a problem that we live with.

We maintain the maximum flexibility possible with that which is acceptable. There is always a restraint on the Secret Service in the protective mission. We know that we cannot come up with an armed garrison unacceptable to the protectee or the American people. This is something always under consideration.

Mr. FLOWERS. Gentlemen, we appreciate your being with us this morning and presenting your points of view. They will certainly be considered. We have no further witnesses scheduled, so we will close this hearing.

Thank you very much.

Mr. BOGGS. Thank you.

[Whereupon, at 11:45 a.m., the subcommittee adjourned.]